

Exhibit C

From: rteich@juno.com
To: [Holtzblatt, Ari](#)
Cc: [Mehta, Sonal](#); clocicero@tlolawfirm.com; kvick@jassylvick.com; mary.holland@childrenshealthdefense.org; [Jennings, Molly](#); [Schultz, Allison](#)
Subject: RE: CHD v. Facebook, et al.
Date: Wednesday, September 9, 2020 4:16:53 PM
Attachments: [FACEBOOK - Stip & \[Pro\] Order re Complaint MTD Briefing Sched 2 \(FINAL\) - 09-09-2020.docx](#)
[FACEBOOK - Stip & \[Pro\] Order re Complaint Response Date \(FINAL\) - 09-09-2020.docx](#)
[FACEBOOK - \[PRO\] ORDER RE MTD BRIEFING SCHEDULE \(FINAL\) - 09-09-2020.docx](#)
[FACEBOOK - ORDER REASSIGNING CASE TO SUSAN ILLSTON \[DKT 14\] - 08-27-2020.pdf](#)
[FACEBOOK - ORDER RE INITIAL CMC CONF \[ILLSTON, J\] \[DOC 15\] - 08-27-2020.pdf](#)

EXTERNAL SENDER

Ari,

You have my consent to file these two Stipulations and [Proposed] Order.

Separately, I ask you to confirm whether Wilmer Hale will or will not accept service of the Complaint and Summons (and related documents) on behalf of your client Mark Zuckerberg.

Also, I ask all counsel to confirm whether your will or will not accept electronic service of the attached Order reassigning the case to Judge Illston (Dkt #14), and Order re Initial Case Management Conference (Dkt #15), thus obviating the need and expense of separate service.

Earlier I suggested a follow-up phone conference for next Wednesday, September 16, at 11:30am PT to discuss amended Section 3.2, and we agreed to calendar a separate call with Poynter/Politifact counsel to discuss (at least initially) the appropriate ESI-retention protocols for this case.

Please confirm the September 16 phone call or suggest another day/time you would prefer for the Section 3.2 discussion, and another day/time for the initial ESI-related discussion.

I have outlined why I believe both these discussions should be held before October 1, and I would appreciate hearing your views on scheduling these initial discussions.

Sincerely,
Roger Teich

----- Original Message -----

From: "Holtzblatt, Ari" <Ari.Holtzblatt@wilmerhale.com>
To: "rteich@juno.com" <rteich@juno.com>, "Mehta, Sonal"

<Sonal.Mehta@wilmerhale.com>
Cc: "clocicero@tlolawfirm.com" <clocicero@tlolawfirm.com>, "kwick@jassylvick.com"
<kwick@jassylvick.com>, "mary.holland@childrenshealthdefense.org"
<mary.holland@childrenshealthdefense.org>, "Jennings, Molly"
<Molly.Jennings@wilmerhale.com>, "Schultz, Allison" <Allison.Schultz@wilmerhale.com>
Subject: RE: CHD v. Facebook, et al.
Date: Wed, 9 Sep 2020 19:27:34 +0000

Roger,

Attached are revised versions of the two stipulations and the proposed order, along with redlines against the versions that you sent us. Please confirm that we can attest to your signature on the two stipulations.

Regards,

Ari

From: rteich@juno.com <rteich@juno.com>
Sent: Wednesday, September 9, 2020 12:23 PM
To: Mehta, Sonal <Sonal.Mehta@wilmerhale.com>
Cc: clocicero@tlolawfirm.com; kwick@jassylvick.com;
mary.holland@childrenshealthdefense.org; Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>;
Jennings, Molly <Molly.Jennings@wilmerhale.com>; Schultz, Allison
<Allison.Schultz@wilmerhale.com>
Subject: RE: CHD v. Facebook, et al.

EXTERNAL SENDER

Sonal,

Attached, our revisions in Track Changes to the two Stipulations, [Proposed] Order, and your declaration. You have our consent to file these pleadings only as revised.

I look forward to working with you, too. In normal times, it would still be

difficult to file jointly the same day if we receive the drafts at or after the close of business eastern time where Children's Health Defense and its general counsel are located. And, these are not normal times. I'm in Mendocino County right now.

We will not agree to continue the November 20, 2020 case management conference at this time. In particular, we have concerns about ESI retention and protocols in this case for which the Local Rules contemplate a specific meet and confer, and stipulation.

We also believe that such stipulation should commit your clients not to apply amended Section 3.2 of Facebook's Terms of Service (effective October 1, 2020) to Children's Health Defense during the pendency of this litigation, for reasons we can discuss at the ESI-meet and confer.

I look forward to discussing this matter with you at 11:30am today.

best,

Roger Teich

----- Original Message -----

From: "Mehta, Sonal" <Sonal.Mehta@wilmerhale.com>

To: "rteich@juno.com" <rteich@juno.com>, "clocicero@tlolawfirm.com" <clocicero@tlolawfirm.com>

Cc: "kvick@jassylvick.com" <kvick@jassylvick.com>, "mary.holland@childrenshealthdefense.org" <mary.holland@childrenshealthdefense.org>, "Holtzblatt, Ari" <Ari.Holtzblatt@wilmerhale.com>, "Jennings, Molly"

<Molly.Jennings@wilmerhale.com>, "Schultz, Allison" <Allison.Schultz@wilmerhale.com>

Subject: RE: CHD v. Facebook, et al.

Date: Tue, 8 Sep 2020 22:23:12 +0000

Roger,

Attached, please find the stipulations we discussed last Friday, extending the deadline responses to the complaint to October 23, and setting a further briefing schedule including a

deadline of January 7, 2021, for defendants' replies. (The local rules treat motions for extensions of time to respond to a complaint differently from other extensions, so we have to file two separate stipulations). We would like to get these on file today and appreciate your confirmation that we have permission to sign for you.

Also, given that the motion(s) to dismiss won't be fully briefed until January 2021, we have proposed including a stipulation continuing the November 20 case management conference for the time being.

We can join a call for 30 minutes at 11:30 am PT tomorrow. Speak with you then.

Best,

Sonal N. Mehta | WilmerHale
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+1 650 858 6100 (f)
sonal.mehta@wilmerhale.com

From: rteich@juno.com <rteich@juno.com>

Sent: Friday, September 4, 2020 2:01 PM

To: clodicero@tlolawfirm.com

Cc: kvick@jassylvick.com; mary.holland@childrenshealthdefense.org; Mehta, Sonal
<Sonal.Mehta@wilmerhale.com>

Subject: RE: CHD v. Facebook, et al.

EXTERNAL SENDER

Hi All,

This will memorialize our phone call just now in which we agreed to a schedule in which (1) your client defendants will file responses to the Complaint by Friday, October 23, 2020; and (2) plaintiff will file its opposition to any motion to dismiss by Monday, December 7, 2020, subject to plaintiff's good cause for any further extension.

For our part, this agreement assumes that Sonal will also be representing Mark Zuckerberg individually, and that his response and plaintiff's responsive pleading (if any) will be governed by the stipulation. Please confirm at your early convenience.

We think it would be useful to hold another conference call next week to discuss a few early case management issues which are likely to arise. There is also a separate issue concerning Facebook only which we wish to take up with Sonal , perhaps at the end of the call.

How is Wednesday, September 9, at 11:30am PT/ 2:30 pm ET for a (no more than) 30-minute discussion?

Here is dial-in we can use --

Dial-In Number: 515-603-3171
Access Code: 1045032#

Sincerely,
Roger Teich

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HALE AND DORR LLP
3 950 Page Mill Road
Palo Alto, California 94304
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5 *Attorney for Defendants*
6 FACEBOOK, INC. and
MARK ZUCKERBERG
7

8 KEVIN L. VICK (SBN 220738)
kvick@jassylvick.com
9 JASSY VICK CAROLAN LLP
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10 Suite 800
Los Angeles, California 90017
11 Telephone: (310) 870-7048
Facsimile: (310) 870-7010

12 *Attorneys for Defendants*
13 THE POYNTER INSTITUTE FOR MEDIA
STUDIES, INC. and POLITIFACT
14
15
16
17

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN FRANCISCO DIVISION**

21 CHILDREN'S HEALTH DEFENSE,
Plaintiff,
22
v.
23 FACEBOOK, INC., ET AL.,
24 Defendants.
25

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rteich@juno.com
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Telephone: (415) 948-0045

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mary.holland@childrenshealthdefense.org
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Peachtree City, GA 30269
Telephone: (917) 743-3868
(Subject to pro hac vice admission)

Attorneys for Plaintiff
CHILDREN'S HEALTH DEFENSE

Case No. 3:20-cv-05787-SI

CIVIL LOCAL RULE 6-2(A)
STIPULATION

Pursuant to Civil Local Rule 6-2(a), Defendants Facebook, Inc., Mark Zuckerberg, The Poynter Institute for Media Studies, Inc., and PolitiFact (“Defendants”) and Plaintiff Children’s Health Defense (“Plaintiff”), by and through their respective counsel, have consented to the following enlargement of time to file Plaintiff’s Opposition to any Rule 12 motion or other response to the Complaint:

1. Plaintiff’s Opposition to any Rule 12 motions or other responses filed by Defendants shall be due December 21, 2020.
2. Defendants’ Replies to Plaintiff’s Opposition shall be due January 21, 2021.

Plaintiff filed the Complaint on August 17, 2020. (Dkt. 1). Plaintiff served the Complaint on Defendant Facebook, Inc. on August 19, 2020 (Dkt. 16), and attempted service on Defendants The Poynter Institute for Media Studies, Inc., and PolitiFact on August 19, 2020 and August 27, 2020, respectively. A summons issued to Defendant Mark Zuckerberg on August 19, 2020. (Dkt. 7). Defendants’ deadline to respond to the Complaint has been enlarged once by currently-filed stipulation to October 23, 2020.¹

Good cause exists, and the parties’ stipulated request for an enlargement of time is reasonable in light of the complicated subject matter of this case, the number of issues in dispute, and the need to coordinate among multiple, separately represented defendants. The Complaint includes four counts invoking complex issues of constitutional and statutory law. Moreover, the Thanksgiving holiday falls within the time allotted for Plaintiff to prepare its Opposition, as do the currently-scheduled case management conference and related filings, and the winter holidays fall within the time allotted for Defendants to prepare their replies. This stipulated request is supported by the accompanying Declaration of Sonal N. Mehta.

Pursuant to Civil Local Rule 6-2(a), Plaintiff and Defendants hereby request that the Court enter an order allowing the enlargement of time and continuance set forth above.

¹ Defendants reserve their rights to raise any jurisdictional, service-related, or venue-related challenges in response to the Complaint, and this Stipulation does not waive any such rights.

1
2 Dated: September 9, 2020

WILMER CUTLER PICKERING, HALE AND
DORR LLP

3 By: /s/ Sonal N. Mehta
4 SONAL N. MEHTA

5 *Attorney for Defendants*
Facebook, Inc. and Mark Zuckerberg

6
7 Dated: September 9, 2020

JASSY VICK CAROLAN LLP

8 By: /s/ Kevin L. Vick
9 KEVIN L. VICK

10 *Attorney for Defendants*
The Poynter Institute for Media Studies, Inc. and
11 PolitiFact

12
13 Dated: September 9, 2020

By: /s/ Roger I. Teich
14 ROGER I. TEICH

15 *Attorney for Plaintiff*
Children's Health Defense

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation To Enlarge Time To Respond To Complaint. Pursuant to Civil Local Rule 5-1(i), I hereby attest that the other signatures have concurred in this filing.

Dated: September 9, 2020

By: /s/ Sonal N. Mehta
Sonal N. Mehta

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2020, I electronically filed the above document with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

Dated: September 9, 2020

By: /s/ Sonal N. Mehta
Sonal N. Mehta

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Attorney for Defendants
 FACEBOOK, INC. and
 MARK ZUCKERBERG

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(Subject to pro hac vice admission)

Attorneys for Plaintiff
 CHILDREN'S HEALTH DEFENSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHILDREN'S HEALTH DEFENSE,

 Plaintiff,

 v.

 FACEBOOK, INC., ET AL.,

 Defendants.

Case No. 3:20-cv-05787-SI

**STIPULATION TO ENLARGE TIME
 TO RESPOND TO COMPLAINT PER
 L.R. 6-1(A)**

Pursuant to Civil Local Rule 6-1(a), Defendants Facebook, Inc., Mark Zuckerberg, PolitiFact, and The Poynter Institute for Media Studies, Inc. (“Defendants”) and Plaintiff Children’s Health Defense (“Plaintiff”), by and through their respective counsel, hereby stipulate as follows:

WHEREAS, Plaintiff filed the Complaint (Dkt. 1) on August 17, 2020;

WHEREAS, Plaintiff served the Complaint on Defendant Facebook, Inc. on August 19, 2020. (Dkt. 16). A summons also issued to Mark Zuckerberg on August 19, 2020. (Dkt. 7). Service was also attempted on The Poynter Institute for Media Studies on August 19, 2020, and on PolitiFact on August 27, 2020.¹

WHEREAS, Defendant Facebook, Inc.’s response to the Complaint is currently due September 9, 2020. Assuming Mr. Zuckerberg was served the same day as Facebook, and barring any service defects, Defendant Mr. Zuckerberg’s response to the Complaint would also be due on September 9, 2020. Barring any service defects, Defendants The Poynter Institute for Media Studies, Inc.’s and PolitiFact’s response to the Complaint would be due on September 9, 2020 and September 17, 2020.

WHEREAS, these Defendants only recently retained present counsel to represent them in this action.

WHEREAS, Defendants have asked for, and Plaintiff has consented to, an extension of time for Defendants to answer, move, or otherwise respond to the Complaint, up to and including October 23, 2020. This represents a 44-day extension with respect to Defendants Facebook, Inc., Mark Zuckerberg, and The Poynter Institute for Media Studies, Inc., and a 36-day extension with respect to Defendant PolitiFact.

WHEREAS, the parties also wish to align the response dates and briefing schedule for Defendants Facebook, Inc., Mark Zuckerberg, The Poynter Institute for Media Studies, Inc., and PolitiFact.

WHEREAS, this is the first extension of time in this matter and will not affect any other date already set by Court order.

¹ Defendants reserve their rights to raise any jurisdictional, service-related, or venue-related challenges in response to the Complaint, and this Stipulation does not waive any such rights.

1 **IT IS HEREBY STIPULATED AND AGREED** by Plaintiff and Defendants, pursuant to
2 Civil Local Rule 6-1(a), to enlarge the time for Defendants to answer, move, or otherwise respond to
3 the Complaint up to and including October 23, 2020.

4
5 Dated: September 9, 2020

WILMER CUTLER PICKERING, HALE AND
DORR LLP

6
7 By: /s/ Sonal N. Mehta
SONAL N. MEHTA

8 *Attorney for Defendants*
Facebook, Inc. and Mark Zuckerberg

9
10
11 Dated: September 9, 2020

JASSY VICK CAROLAN LLP

12 By: /s/ Kevin L. Vick
KEVIN L. VICK

13 *Attorney for Defendants*
14 The Poynter Institute for Media Studies, Inc, and
15 PolitiFact

16 Dated: September 9, 2020

17 By: /s/ Roger Ian Teich
ROGER IAN TEICH

18 *Attorney for Plaintiff*
19 Children's Health Defense
20
21
22
23
24
25
26
27
28

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation To Enlarge Time To Respond To Complaint. Pursuant to Civil Local Rule 5-1(i), I hereby attest that the other signatures have concurred in this filing.

Dated: September 9, 2020

By: /s/ Sonal N. Mehta
Sonal N. Mehta

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2020, I electronically filed the above document with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

Dated: September 9, 2020

By: /s/ Sonal N. Mehta
Sonal N. Mehta

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Attorney for Defendants
 FACEBOOK, INC. and
 MARK ZUCKERBERG

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 Los Angeles, California 90017
 Telephone: (310) 870-7048
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Attorneys for Defendants
 THE POYNTER INSTITUTE FOR MEDIA
 STUDIES, INC. and POLITIFACT

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 Peachtree City, GA 30269
 Telephone: (917) 743-3868
(Subject to pro hac vice admission)

Attorneys for Plaintiff
 CHILDREN'S HEALTH DEFENSE

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

CHILDREN'S HEALTH DEFENSE,

 Plaintiff,

 v.
 FACEBOOK, INC., ET AL.,

 Defendants.

Case No. 3:20-cv-05787-SI

**[PROPOSED] ORDER ON CIVIL
 LOCAL RULE 6-2(A) STIPULATION**

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

1. Plaintiff's Oppositions to any Rule 12 motions or other responses to the Complaint filed by Defendants Facebook, Inc., Mark Zuckerberg, The Poynter Institute for Media Studies, Inc., and/or PolitiFact shall be due December 21, 2020.
2. Defendants' Replies in support of any such Rule 12 motions shall be due January 21, 2021.

Dated: _____

By: Hon. Susan Illston
United States District Judge

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHILDREN'S HEALTH DEFENSE,
Plaintiff,
v.
FACEBOOK INC., et al.,
Defendants.

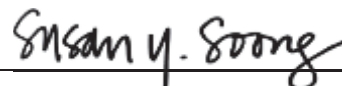
Case No. 20-cv-05787-SK

ORDER REASSIGNING CASE

IT IS ORDERED that this case has been reassigned using a proportionate, random and blind system pursuant to General Order No. 44 to the Honorable Susan Illston in the San Francisco division for all further proceedings. Counsel are instructed that all future filings shall bear the initials SI immediately after the case number.

All hearing and trial dates presently scheduled are vacated. However, existing briefing schedules for motions remain unchanged. Motions must be noticed for hearing before the judge to whom the case has been reassigned, but the noticing of the hearing does not affect the prior briefing schedule. Other deadlines such as those for ADR compliance and discovery cutoff also remain unchanged.

Dated: August 27, 2020



Susan Y. Soong
Clerk, United States District Court

A true and correct copy of this order has been served by mail upon any pro se parties.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Children's Health Defense,
Plaintiffs,

v.

Facebook Inc., et al.,
Defendants.

Case No. [20-cv-05787-SI](#) (SI)

**INITIAL CASE MANAGEMENT
GUIDELINE AND CLERK'S NOTICE**

IT IS HEREBY ORDERED that, pursuant to Rule 16(b), Federal Rules of Civil Procedure, and Civil L.R. 16-10, a Case Management Conference will be held in this case before the Honorable Susan Illston on November 20, 2020 at 2:30 p.m. in Courtroom No. 1, 17th floor Federal Building.

Plaintiff(s) shall serve copies of this Order at once on all parties to this action, and on any parties subsequently joined, in accordance with the provisions of Fed.R.Civ.P. 4 and 5. Following service, plaintiff(s) shall file certificate of service with the Clerk of this Court.

Counsel are directed to confer in advance of the Case Management Conference. Not less than seven days before the conference, counsel shall file a joint case management statement in compliance with the Civil Local Rules and the Standing Order for All Judges of the Northern District of California. Failure to file a joint statement shall be accompanied by a signed declaration setting forth the grounds for such failure. Failure to show good cause for such failure may subject the parties to sanctions.

Each party shall be represented at the Case Management Conference by counsel prepared to address all of the matters referred to in this Order, and with authority to enter stipulations and make admissions pursuant to this Order. The parties are encouraged to attend.

Any request to reschedule the above dates should be made in writing, and by stipulation, if possible, not less than ten days before the conference date. Good cause must be shown.

At the case management conference the parties should be prepared to address and resolve the following: setting the date and the estimated length of the trial; setting the date for discovery cutoff; setting the date to designate experts and other witnesses; and setting the date for the pretrial conference.

Standing Orders: All parties shall comply with the Standing Order for All Judges of the Northern District of California concerning the contents of the joint case management conference statement and Judge Illston's Standing Order.

Failure to comply with this Order or the Local Rules of this Court may result in sanctions. See Fed.R.Civ.P. 16(f), Civil L.R. 1-4.

NOTICE TO PRO SE LITIGANTS IN NON-PRISONER ACTIONS:

If you are proceeding in this lawsuit without an attorney, and have not been granted leave to proceed in *forma pauperis*, then the following directives apply to you in the prosecution of your case.

The court hereby ORDERS you to comply with the service requirements of Rule 4 of the Federal Rules of Civil Procedure as set forth below. Failure to follow the procedures set forth in this order may result, under Rule 4 (m), in dismissal of your case.

It is your responsibility to obtain a valid summons from the clerk and to effect service of the summons and complaint on all defendants in accordance with Rule 4 of the Federal Rules of Civil Procedure. If you have named the United States government, a federal agency, a federal official or a federal employee as a defendant, you must comply with the special requirements of Rule 4 (i).

Service may be effected by any person who is not a party and who is at least 18 years of age, which means that you, as a party, may not effect service. If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, your action will, under Rule 4 (m), be dismissed as to that defendant.

Within 125 days after the filing of the complaint, you must file proof of service indicating which defendants were served within the 120 days allowed under Rule 4 (m) and showing, in accordance with Rule 4 (i), how each of those defendants was served (for example, by attaching appropriate certificates of service). You must also show cause why a defendant not served within the 120 days allowed under Rule 4 (m) should not be dismissed without prejudice.

Failure to do these things within the designated time will result in the dismissal of your case under Rule 4 (m) and Rule 41 (b).

For additional information on procedures for litigating in Federal Court, pro se litigants are encouraged to contact the Court's Legal Help Center 415-782-8982 or sign up for an appointment with the Center at 450 Golden Gate Avenue, 15th Floor, Room 2796, San Francisco, CA 94102.

Dated: August 27, 2020

Susan Y. Soong
Clerk, United States District Court



By: _____
Teddy Van Ness, Deputy Clerk to the
Honorable SUSAN ILLSTON
415-522-2028